IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

WP(C).No. 17974 of 2007(M)

PETITIONER:

MATA AMRITANANDAMAYI MATH,
KUNNUMPURAM, EDAPPALLY, KOCHI-24,
REPRESENTED BY ITS GENERAL SECRETARY
SWAMI POORNAMRITANANDAPURI.

BY ADV. SRI.K.MANOJ CHANDRAN
SRI.P.R.AJITHKUMAR

RESPONDENTS:
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1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVAN,
PATTOM PALACE P.O., THIRUVANANTHAPURAM.

2. THE EXECUTIVE ENGINEER,
ELECTRICAL MAJOR SECTION, KSEB, VAIKOM.

3. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, KSEB,
THALAYOLAPARAMBU.

BY ADV. SRI.P.P.THAJUDEEN, SC, K.S.E.B

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 17974/2007 M

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE SETTLEMENT DEED DT. 2/3/2001.

EXT.P2. COPY OF THE SAID NOTICE DT. 2/09/2006.

EXT.P3. COPY OF THE REPLY DTD. 28/09/2006.

EXT.P4. COPY OF THE SHORT ASSESSMENT BILLD T. 1/11/2006.

EXT.P5. COPY OF THE APPEAL DT. 25/11/2006.

EXT.P6. COPY OF THE NOTICE DT. 28/5/2007.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.17974 of 2007-M

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Dated this the 13th day of November, 2007.

JUDGMENT

1. The petitioner contends that it came into possession of the premises in question to run an old age home and that as of now, there are not inmates. It is the contention that the premises is not put to regular use and is being just opened only to be cleaned up.

2. On 12-6-2007, this Court issued an order at the stage of admission staying the dismantling of the connection and directing that the petitioner can move the concerned respondent for re-connection when inmates are identified and enlisted for accommodation.

3. A perusal of the materials on record, including the pleading of the petitioner would show that the dispute is as to whether the premises of the petitioner would fall under LT VI(A) or LT VI(D). This issue has necessarily to consider on the basis of the activities to which the premises is used. The authority to decide upon such issue is available with the Consumers' Grievance Redressal Forum and thereafter, before the Ombudsman.

Under such circumstances, while maintaining the interim order issued on 12-6-2007, this writ petition is disposed of directing that if the petitioner moves the CGRF within a period of 45 days, the issue as to the appropriate tariff that would govern the premises in question, would be determined in accordance with law.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/